

REMARKS/ARGUMENTS

Upon entry of the present response, claims 13 and 20 will have been amended to enhance clarity and are being resubmitted for consideration by the Examiner.

Applicant respectfully requests consideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Turning to the merits of the action, the Examiner has rejected claims 13-18 and 20-28 under 35 U.S.C. § 103(a) as being anticipated by HAYASHI (U.S. Patent No. 6,862,114) in view of MATSUBARA et al. (U.S. Patent No. 6,545,768). The Examiner also has rejected claims 19 and 26 under 35 U.S.C. § 103 (a) as being unpatentable over HAYASHI in view of MATSUBARA et al. and YOSHIDA et al. (U.S. Patent No. 5,031,179).

The Examiner has also rejected claims 13-18 and 20-28 under 35 U.S.C. § 103(a) as being anticipated by HAYASHI (U.S. Patent No. 6,862,114) in view of SAITO (U.S. Patent No. 6,128,101) which is commonly assigned with the present application. The Examiner also has rejected claims 19 and 26 under 35 U.S.C. § 103 (a) as being unpatentable over HAYASHI in view of SAITO and YOSHIDA et al. (U.S. Patent No. 5,031,179).

By the present response, Applicant has amended claims 13 and 20 and submitted the same for reconsideration by the Examiner. Applicant respectfully traverses the above rejections based on pending claims 13-28 and will discuss the rejections with respect to the pending claims in the present application as will be set forth hereinbelow. The amended claims merely clarify the subject matter recited in the rejected claims, but do not narrow the scope of the claims.

Applicant's claims 13-19 generally relate to a receiving Internet facsimile apparatus connectable to a mail server via a network. The receiving Internet facsimile apparatus includes a communicator that receives, from the mail server via the network, a single e-mail to which a plurality of pages of image data are attached, and a decoder that decodes the plurality of pages of the image data attached to the single e-mail. The receiving Internet facsimile apparatus has a memory that stores the plurality of pages of the decoded image data. The receiving Internet facsimile apparatus further has a controller that determines whether the memory overflows due to the reception of the single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of the single e-mail. The controller also stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail, when the single e-mail is re-received from the mail server after the stop in receiving of the single e-mail. The controller is further configured to determine that the predetermined page was not stored in the memory when the single e-mail was previously received from the mail server and that the predetermined page is distinct from any of the plurality of pages of the image data previously received from the mail server. Claims 20-26 recite generally related methods.

Regarding the rejection of independent claims 13 and 20 under 35 U.S.C. § 103(a) as being unpatentable over HAYASHI in view of MATSUBARA et al., Applicant initially notes that HAYASHI merely relates to a conventional facsimile apparatus.

Thus it follows that HAYASHI does not disclose an Internet facsimile apparatus. Accordingly, HAYASHI et al. do not contain any disclosure about an Internet facsimile apparatus. It therefore follows that HAYASHI does not disclose a receiving Internet facsimile apparatus connectable to a mail server via a network and configured to receive, from the mail

server via the network, a single e-mail to which a plurality of pages of image data are attached. HAYASHI by its very nature can inherently not receive e-mail.

Further, Applicant respectfully submits HAYASHI merely teaches that a conventional reception-side facsimile apparatus 1) receives, as an NSS signal, a value of the previous number of transmitted sheets, 2) stores all retransmission image data, and 3) deletes all image data stored in the previous transmission (*see, e.g.*, column 16, lines 60-65).

However, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which determines whether the memory overflows due to the reception of the single e-mail and which stops receiving the e-mail when it is determined that the memory overflows due to the reception of the single e-mail. Rather, HAYASHI merely discloses a reception-side conventional facsimile apparatus which receives, as an NSS signal, a value of the previous number of transmitted sheets, re-receives and stores all retransmission image data, and deletes all image data stored in the previous transmission. (*see, e.g.*, column 13, lines 50-53 and column 16, lines 59-67). However, HAYASHI does not contain any disclosure regarding an e-mail to which a plurality of pages of image data are attached since HAYASHI does not even relate to a receiving Internet facsimile apparatus.

In this regard, Applicant notes the Examiner's assertion that HAYASHI discloses a communicator configured to receive mail to which a plurality of pages of image data are attached. Applicant respectfully submits that the Examiner is incorrect, at least insofar as Applicant's claim recites, not a "communicator" but a "receiving Internet facsimile apparatus". Applicant's claim also does not recite receiving "mail" but receiving an "e-mail". Further, Applicant respectfully submits that neither of the portions of HAYASHI cited by the Examiner

teaches an Internet facsimile apparatus or the receiving of e-mail to which a plurality of pages of image data are attached.

The Examiner's reference to column 17, lines 15-30, is noted. However, while this portion of HAYASHI attempts to broaden the disclosure thereof, there is still no disclosure thereof regarding Internet facsimile transmission or e-mail transmission. This portion of HAYASHI merely relates to whether the scanner is integral with the apparatus or external of the apparatus and other generic broadening statements.

Moreover, the Examiner's reliance on HAYASHI (column 3, lines 1-10) for a teaching of storing a predetermined page of image data attached to the mail when the mail is re-received is submitted to be in error. In particular, HAYASHI teaches storing all of the pages of retransmitted data together with "discrimination data" that is added to the image data to discriminate between image data which is already transmitted and image data which is not yet transmitted.

However, in addition to these shortcomings, HAYASHI also lacks a teaching of receiving e-mail "from the mail server". There is no indication that the HAYASHI apparatus makes use of a mail server, nor should there be, at least since HAYASHI is not directed to an e-mail receiving apparatus.

Further, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the decoded image data, when the e-mail is re-received from the mail server after the stop in receiving of the e-mail, the controller being further configured to determine that the predetermined page was not stored in the memory when the e-mail was previously received from the mail server. Rather, HAYASHI merely discloses a reception-side conventional facsimile apparatus which stores all retransmission image data (*see*,

e.g., column 16, lines 62-63), not a “predetermined page”. In other words, HAYASHI does not contain any disclosure regarding storing, in the memory, a “predetermined” page of the decoded image data (as opposed to storing all the retransmitted image data), as recited in at least claim 13.

According to the teachings of HAYASHI, after an interruption in transmission, all the pages are retransmitted and the previously transmitted data is deleted. Thus, according to HAYASHI, only the retransmitted data is utilized. This is in stark contrast to the teachings of the present invention where, by the utilization of the predetermined page of the decoded image data which, it is determined what was not stored in the data when the single e-mail was previously received from the mail server, and the retransmission operation can then be performed in a significantly more efficient fashion, by not retransmitting previously transmitted data, quite the opposite of the HAYASHI disclosure.

Additionally, the Examiner admits, in the Official Action mailed on April 20, 2007, that HAYASHI does not disclose a receiving Internet facsimile apparatus connectable to a mail server via a network; a decoder configured to decode the plurality of pages of image data attached to the received e-mail; and a controller configured to determine that the predetermined page was not stored in the memory when the e-mail was previously received from the mail server, and the predetermined page is distinct from any of the plurality of pages of the image data previously received from the mail server.

Furthermore, the Examiner notes in the Official Action mailed on April 20, 2007 that HAYASHI discloses re-transmission of data due to memory overflow. However, HAYASHI fails to disclose a controller that determines whether the memory overflows due to the reception of the single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of the single e-mail. In other words, HAYASHI discloses re-

transmission of data due to memory overflow due to the reading of the document data, but fails to disclose re-reception of data due to memory overflow due to the reception of the single e-mail. As discussed above, HAYASHI merely teaches that a conventional reception-side facsimile apparatus 1) receives, as an NSS signal, a value of the previous number of transmitted sheets, 2) stores all retransmission image data, and 3) deletes all image data stored in the previous transmission (*see, e.g.*, column 16, lines 60-65).

Thus, the pending claims are clearly distinguished over HAYASHI.

Therefore, it is respectfully submitted that the features recited in Applicant's independent claims 13 and 20 are not disclosed in HAYASHI cited by the Examiner.

In setting forth the rejection, the Examiner relies upon MATSUBARA et al. to supply the admitted shortcomings of HAYASHI. MATSUBARA et al. relates to an image transmitting apparatus connectable with a first network and a second network. The image transmitting apparatus transmits image data of a document to an external image receiving apparatus through one of the first and the second networks and retransmits the image data of the document to the external image receiving apparatus through the remaining one of the first and the second networks.

MATSUBARA et al. relates to an apparatus that can utilize either conventional facsimile transmission or electronic transmission. In various embodiments, MATSUBARA et al. teaches selectively transmitting data by either one of facsimile transmission or electronic mail communication. Additionally, MATSUBARA et al. teaches transmitting through one of the above mechanisms and retransmitting via a second of the above mechanisms. However, MATSUBARA et al. does not relate to an error induced retransmission system. This, however, is a significant feature of the present invention. Thus, the teachings of MATSUBARA et al are

not directed to the same problem to which Applicant's invention is directed nor even to a problem similar to that disclosed by HAYASHI.

In particular, MATSUBARA et al. does not disclose a controller that determines whether the memory overflows due to the reception of a single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of a single e-mail. Rather, in the transmitting operation of MATSUBARA et al., when the image transmitting apparatus transmits image data of a facsimile document to a recipient, and, e.g. the telephone line is busy, the facsimile document with an ID added is transmitted to a mail address of the recipient as electronic mail (see Fig. 4 S3 and S8, column 7, lines 61-63 and column 8, lines 12-15).

In the receiving operation of MATSUBARA et al., the facsimile apparatus receives, from the transmitting facsimile apparatus, the facsimile document as electronic mail, and determines whether the image data of the facsimile document corresponding to the received ID is received or not. When the image data has already been received, the image data is discarded from memory unit (column 9, lines 7-20). In other words, in MATSUBARA et al., the receiving apparatus merely determines whether the facsimile document has already been received as electronic mail, according to the ID added to the facsimile document. However, memory overflow due to the reception of the single e-mail is not disclosed.

Thus, MATSUBARA et al. does not disclose a controller that determines whether the memory overflows due to the reception of the single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of the single e-mail.

In this regard, the Examiner notes that in the Official Action mailed on April 20, 2007 that HAYASHI disclosed re-transmission of data due to memory overflow, and in the rejection, MATSUBARA is not being relied upon for detection of memory over flow and subsequent re-

transmission. However, as discussed above, HAYASHI fails to disclose a controller that determines whether the memory overflows due to the reception of the single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of the single e-mail. In other words, HAYASHI discloses re-transmission of data due to memory overflow due to the reading of the document data, but fails to disclose re-reception of data due to memory overflow due to the reception of the single e-mail. Thus, both of HAYASHI and MATSUBARA fail to disclose a controller that determines whether the memory overflows due to the reception of the single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of the single e-mail. In this regard, Applicant notes the “memory-full occurred” decision block at S143 in Fig. 3. However, as described at column, 11, lines 41-49 this does not comply with the recitations of the pending claims.

MATSUBARA et al. also does not disclose a controller that stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail, when the single e-mail is re-received from the mail server after the stop in receiving of the single e-mail, the controller being further configured to determine that the predetermined page was not stored in the memory when the single e-mail was previously received from the mail server, and that the predetermined page is distinct from any of the plurality of pages of the image data previously received from the mail server.

Rather, in the receiving operation of MATSUBARA et al., the facsimile apparatus receives, from the transmitting facsimile apparatus, the facsimile document as electronic mail, and determines whether the image data of the facsimile document corresponding to the received

ID is received or not. When the image data is already received, the image data is discarded from memory unit (column 9, lines 7-20).

On the other hand, when the image data is not received (S32:NO), printout is performed according to (i.e., based upon) the image data. Thus, according to MATSUBARA et al., the dual transmission modes (i.e., facsimile and electronic) serve as a backup to each other.

In other words, in MATSUBARA et al., the receiving apparatus determines whether the entire facsimile document is already received as electronic mail, according to the ID added to the facsimile document, and discards all of the image data of the facsimile document corresponding to the ID when it is determined that the image data is already received. Thus, MATSUBARA et al. discards all the image data of the facsimile document corresponding to the ID, since the ID is not added to each of a plurality of pages of image data attached to a single e-mail. Therefore, MATSUBARA et al. does not disclose a controller that stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail, when the single e-mail is re-received from the mail server after the stop in receiving of the single e-mail, the controller being further configured to determine that the predetermined page was not stored in the memory when the single e-mail was previously received from the mail server, and that the predetermined page is distinct from any of the plurality of pages of the image data previously received from the mail server.

In this regard, the Examiner asserts in the Official Action mailed on April 20, 2007 that MATSUBARA disclose a controller that stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail, since MATSUBARA discloses a memory unit for storing a control program and also storing image data of an e-mail facsimile document (col.10, lines 10-25). However, MATSUBARA fails to disclose a controller that

stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail, “when the single e-mail is re-received from the mail server after the stop in receiving of the single e-mail”, since MATSUBARA merely teaches a memory unit 34 that stores a control program, received data, and image data of facsimile document. In other words, MATSUBARA does not contain any disclosure regarding “when” a controller that stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail.

In setting forth the rejection, the Examiner also asserts that MATSUBARA discloses a controller that determines that the predetermined page was not stored in the memory when the single e-mail was previously received from the mail server, and that the predetermined page is distinct from any of the plurality of pages of the image data previously received from the mail server (Fig.5b and col.9, lines 15-20). However, MATSUBARA merely teaches a receiver side facsimile apparatus that determines whether the image data of the facsimile corresponding to the received ID is received or not, and discards the image data from the memory unit 23 when the image data is already received. In other words, in MATSUBARA, a receiver side facsimile apparatus discards one version of the same data sent at the same time through each of the two communication lines, since the two communication channels (i.e. telephone and Internet) are used for communication of image data such that the same data can be sent through both of the two communication lines (col.9, lines 25-32). Thus, in MATSUBARA, a receiver's facsimile apparatus discards all of the image data from the memory unit 23 when the image data is already received by the other channel. In this regard, the disclosure of MATSUBARA is in stark contrast to the teachings of the present invention where, by the utilization of the predetermined page of the decoded image data, it is determined what was not stored in the memory when the

single e-mail was previously received from the mail server, and the retransmission operation can thus be performed in a significantly more efficient fashion.

Thus, the pending claims are also clearly distinguished over MATSUBARA et al.

Therefore, it is respectfully submitted that the features recited in Applicant's independent claims 13 and 20 are not disclosed in MATSUBARA et al. cited by the Examiner. The pending claims are also submitted to be patentable over the Examiner's proposed combination, since neither HAYASHI nor MATSUBARA et al., either taken alone or in any proper combination, discloses the features recited in Applicants' claims 13-18 and 20-25.

Furthermore, the Examiner has not set forth proper logical reasons for combining HAYASHI and MATSUBARA et al. In HAYASHI, all of the retransmission image data is stored in the memory 603b for both receiving and printing in a conventional facsimile apparatus, as discussed above. All of the previously transmitted data (i.e., the data transmitted before the error indication) is deleted. In other words, HAYASHI does not contain any disclosure for decoding some of the pages of image data attached to the e-mail and for storing the decoded pages during an e-mail reception subsequent to a memory overflow.

On the other hand, MATSUBARA et al. merely teaches that the same data is sent at the same time through two communication channels, and a receiver's facsimile apparatus discards all of the image data from the memory unit 23 when the image data is already received by the other channel.

Furthermore, with respect to the Examiner's rejection of dependent claims 19 and 26 based on HAYASHI in view of MATSUBARA et al. and YOSHIDA et al., Applicant submits that dependent claims 19 and 26 are respectively dependent from shown-to-be allowable independent claims 13 and 20, which are allowable for at least the reasons discussed supra. Thus,

these dependent claims are also allowable for at least the reasons discussed supra. Further, these and all dependent claims set forth a further combination of elements and/or features neither taught nor disclosed by any proper combination of the applied references.

In addition to the above, Applicant further notes that YOSHIDA et al. is directed to a facsimile apparatus that is not capable of receiving or transmitting e-mail. In other words, the “data communication apparatus” of YOSHIDA et al. is not an Internet facsimile apparatus.

Moreover, the asserted basis for the combination of the teachings of YOSHIDA et al. with those of HAYASHI and MATSUBARA et al. cannot justify a rejection under 35 U.S.C. § 103 since it is based on the Examiner’s speculation. This is not a proper basis for a combination rejection.

Regarding the rejection of independent claims 13 and 20 under 35 U.S.C. § 103(a) as being unpatentable over HAYASHI in view of SAITO, HAYASHI relates to a conventional facsimile apparatus, as previously discussed.

In particular, HAYASHI does not disclose an Internet facsimile apparatus. Thus, HAYASHI et al. do not contain any disclosure about an Internet facsimile apparatus that transmits e-mail with attached image data. It therefore follows that HAYASHI does not disclose a receiving Internet facsimile apparatus connectable to a mail server via a network and configured to receive, from the mail server via the network, a single e-mail to which a plurality of pages of image data are attached.

Further, as Applicant, previously noted, respectfully submits HAYASHI merely teaches a conventional reception-side facsimile apparatus that 1) receives, as an NSS signal, a value of the previous number of transmitted sheets, 2) stores all retransmission image data, and 3) deletes all image data stored in the previous transmission (*see, e.g.*, column 16, lines 60-65).

However, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which determines whether the memory overflows due to the reception of the single e-mail and which stops receiving the e-mail when it is determined that the memory overflows due to the reception of the single e-mail. Rather, HAYASHI merely discloses a conventional reception-side facsimile apparatus which receives, as an NSS signal, a value of the previous number of transmitted sheets, re-receives and stores all retransmitted image data, and deletes all image data stored in the previous transmission. (*see, e.g.*, column 16, lines 59-67). As also noted above, HAYASHI does not contain any disclosure regarding an e-mail to which a plurality of pages of image data are attached since HAYASHI does not even relate to a receiving Internet facsimile apparatus.

Further, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the decoded image data, when the e-mail is re-received from the mail server after the stop in receiving of the e-mail, the controller being further configured to determine that the predetermined page was not stored in the memory when the e-mail was previously received from the mail server. Rather, HAYASHI merely discloses a reception-side conventional facsimile apparatus which stores all retransmission image data (*see, e.g.*, column 16, lines 62-63), not a “predetermined page”. In other words, HAYASHI does not contain any disclosure regarding storing, in the memory, a predetermined page of the decoded image data, as recited in at least claim 13.

Additionally, the Examiner admits in the Official Action mailed on April 20, 2007, that HAYASHI does not disclose a receiving Internet facsimile apparatus connectable to a mail server via a network; a decoder configured to decode the plurality of pages of image data attached to the received e-mail; and a controller configured to determine that the predetermined page was not

stored in the memory when the e-mail was previously received from the mail server, and the predetermined page is distinct from any of the plurality of pages of the image data previously received from the mail server.

Furthermore, the Examiner asserts, in the Official Action mailed on April 20, 2007, that HAYASHI discloses re-transmission of data due to memory overflow. However, HAYASHI fails to disclose a controller that determines whether the memory overflows due to the reception of the single e-mail, and stops receiving the single e-mail when it is determined that the memory overflows due to the reception of the single e-mail. In other words, HAYASHI discloses re-transmission of data due to memory overflow due to the reading of the document data, but fails to disclose re-reception of data due to memory overflow due to the reception of the single e-mail. As discussed above, HAYASHI merely teaches that a conventional reception-side facsimile apparatus 1) receives, as an NSS signal, a value of the previous number of transmitted sheets, 2) stores all retransmission image data, and 3) deletes all image data stored in the previous transmission (*see, e.g.*, column 16, lines 60-65).

Thus, the pending claims are clearly distinguished over HAYASHI.

Therefore, it is respectfully submitted that the features recited in Applicant's independent claims 13 and 20 are not disclosed in HAYASHI cited by the Examiner.

In setting forth the rejection, the Examiner relies upon (commonly-assigned) SAITO to supply the shortcomings of HAYASHI. SAITO relates to an e-mail type facsimile apparatus which leaves unacceptable mail in a mail server, and stores the left mail number, message ID of the latest mail as left mail number K and left mail ID. In the next access operation, the e-mail type facsimile apparatus acquires the message ID of the Kth mail stored in the mail server and

compares it with the left mail ID. When both IDs match, the e-mail type facsimile apparatus receives the “K+1”th and subsequent pieces of mail from the mail server.

However, SAITO does not disclose the claimed receiving Internet facsimile apparatus which determines whether the memory overflows due to the reception of the single e-mail and stops receiving single e-mail when it is determined that the memory overflows due to the reception of the single e-mail. Rather, SAITO determines whether the Mth mail is acceptable and leaves unacceptable mail in the mail server when it is determined that the Mth mail is unacceptable (*see, e.g.*, column 5, lines 12-25, column 6, lines 29-67 and column 7, lines 1-15). In this regard, unacceptable mail relates to mail that cannot be printed, with examples being provided at column 5, lines 14-25. None of these examples are even remotely related to memory overflow. Thus, SAITO does not relate to memory overflow but to unprintable mail.

SAITO also does not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the decoded image data attached to a re-received single e-mail, when the single e-mail is re-received from the mail server after the stop in receiving of the single e-mail, the controller being further configured to determine that the predetermined page was not stored in the memory when the single e-mail was previously received from the mail server.

Rather, SAITO compares the message ID of the Kth mail stored in the mail server with the left mail ID, and receives the “K+1”th and subsequent pieces of mail from the mail server when there is a match. In other words, SAITO merely receives a next acceptable e-mail and subsequent acceptable e-mails from the mail server, in the next access, as shown in Fig. 8 (*see, e.g.*, column 6, lines 29-67 and column 7, lines 1-15). Thus, SAITO does not disclose storing, in the memory, a predetermined page of the decoded image data attached to a re-received single e-

mail, when the single e-mail is re-received from the mail server after the stop in receiving the single e-mail at least since unacceptable mail is not received, decoded and stored in memory even after many receptions from the server since what renders mail unacceptable in SAITO is the format of the mail (rather than a memory overflow), and the format will not change no matter how many receptions of e-mail from the server occur.

Further, claim 13 describes the predetermined page, as a predetermined page of the decoded image data, when the single e-mail is re-received from the mail server after the stop in receiving of the single e-mail. In other words, the predetermined page is a page not received in a previous e-mail reception but is received during a current e-mail reception, as set forth in the last paragraph of claim 13. However, as previously noted, SAITO does not disclose such a feature because in SAITO, unacceptable mail is mail that cannot be received by the device due to format issues or similar problems as described at column 5, lines 15-25. Thus, such unacceptable mail will not be received by the apparatus even after numerous attempted receptions. Further, to repeatedly attempt to receive such unacceptable mail is clearly illogical. In other words, a document which is not received during a first reception will not be received during a second reception as is made explicitly clear by Fig. 8 of SAITO and the disclosure associated therewith.

Thus, the pending claims are also clearly distinguished over SAITO.

Therefore, it is respectfully submitted that the features recited in Applicant's independent claims 13 and 20 are not disclosed in SAITO cited by the Examiner. The pending claims are also submitted to be patentable over the Examiner's proposed combination, since neither HAYASHI nor SAITO, either taken alone or in any proper combination, discloses the features recited in Applicants' claims 13-18 and 20-25.

Furthermore, the Examiner has not set forth proper reasons for combining HAYASHI and SAITO. In HAYASHI, all of the retransmission image data is stored in the memory 603b for both receiving and printing in a conventional facsimile apparatus, as discussed above. In other words, HAYASHI does not contain any suggestion for decoding some of the pages of image data attached to the e-mail and for storing the decoded pages during an e-mail reception subsequent to a memory overflow. On the other hand, SAITO, which does not at all deal with memory overflow but with unacceptable mail, compares the message ID of the Kth mail stored in the mail server with the left mail ID, and receives the "K+1"th and subsequent pieces of mail from the mail server when both IDs match. In other words, SAITO merely receives, from the mail server, an acceptable next mail and subsequent acceptable mails stored in the mail server, but does not receive or reattempt to receive unacceptable mail at all.

In setting forth the combination of HAYASHI and SAITO, the Examiner asserted that they are analogous and thus that it would have been obvious to combine the teachings of SAITO into the apparatus and method of HAYASHI. However, as previously noted, there is no proper reason for such a combination. In other words, and as previously noted, SAITO does not in any way retransmit (i.e., receive) mail that has not been previously received due to memory overflow, because the issue with or problem which SAITO is dealing is mail that cannot be received due to its being unacceptable (i.e., being in a format that does not allow it to be output normally (column 6, lines 44-45) and as described more fully at column 5, lines 14-21).

Moreover, Applicant respectfully submits that merely because two references are from an analogous field, that alone does not provide a reason for the combination of the features thereof. In addition, Applicant notes that while SAITO and HAYASHI are from a broadly defined "analogous" art, in fact, there are numerous significant and substantial differences therebetween.

In particular, HAYASHI deals with a facsimile machine that does not involve a server or Internet connection in any fashion. On the other hand, SAITO deals with an e-mail type facsimile machine. Thus, while the lowest common denominator of these two documents can be considered that they relate to facsimile transmission, it is respectfully submitted that this feature alone is an inadequate basis for the combination of features thereof.

Furthermore, with respect to the Examiner's rejection of dependent claims 19 and 26 based on HAYASHI in view of SAITO and YOSHIDA et al., Applicant submits that dependent claims 19 and 26 are respectively dependent from allowable independent claims 13 and 20, which are allowable for at least the reasons discussed supra. Thus, these dependent claims are also allowable for at least the reasons discussed supra. Further, these and all dependent claims set forth a further combination of elements and/or features neither taught nor disclosed by any proper combination of the applied references.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application, in due course.

Although the status of the application is after final rejection, Applicant submits that entry of the amendment is proper under 37 C.F.R. § 1.116. In particular, the amendments to claims merely clarify the subject matter recited in the pending claims but do not raise any new issues requiring further search or consideration.

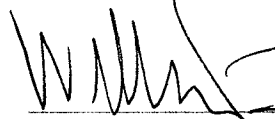
SUMMARY AND CONCLUSION

Applicant has amended the rejected claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the rejected claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Satoshi YASHIKI


Bruce H. Bernstein
Reg. No. 29,027


William Pieprz
Reg. No. 33630

June 20, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191